

CLERKS OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

3/19/2024

LAURA A. AUSTIN, CLERK
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

ROBERT LEARN,

Plaintiff,

v.

THE LINCOLN NATIONAL LIFE
INSURANCE COMPANY,

Defendant.

CASE NO. 6:20-cv-00060

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiff Robert Learn's motion for summary judgment (Dkt. 27), and on Defendant Lincoln National Life Insurance Company's motion for judgment on the pleadings (Dkt. 25).

For the reasons set forth in the accompanying Memorandum Opinion, Plaintiff's motion for summary judgment will be and hereby is **GRANTED** (Dkt. 27), and summary judgment will be **AWARDED** to Plaintiff; and Defendant's motion for judgment on the pleadings will be and hereby is **DENIED** (Dkt. 25). Defendant's decision to deny benefits is **REVERSED**, and Defendant is hereby **ORDERED** to pay Plaintiff for back LTD benefits dating from March 5, 2019—the date that Lincoln denied LTD benefits.

Plaintiff is **DIRECTED** to file any application for "costs and reasonable attorney's fees" within **ten (10) days**. *See* 29 U.S.C. § 1132(g)(1). Defendant shall file any opposition within **ten (10) days** of the filing of Plaintiff's application; and Plaintiff shall file any reply in support of his application within **five (5) days** of Defendant's opposition.

The Clerk of Court is directed to strike this case from the Court's active docket.

It is so **ORDERED**.

The Clerk of Court is directed to send this Order to counsel of record.

Entered this 19th day of March, 2024.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE